

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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FISCAL IMPACT STATEMENT

LS 7276

BILL NUMBER: HB 1212

NOTE PREPARED: Feb 20, 2003

BILL AMENDED: Feb 18, 2003

SUBJECT: Purchase and Resale of Used Jewelry by Jewelers.

FIRST AUTHOR: Rep. Fry

FIRST SPONSOR: Sen. Zakas

BILL STATUS: As Passed - House

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) The bill requires jewelers to maintain records identifying articles of used jewelry purchased for resale, the sellers of such jewelry, and the purchasers. It specifies the information to be maintained and provides penalties for violations.

Effective Date: July 1, 2003.

Explanation of State Expenditures:

Explanation of State Revenues: (Revised) The bill establishes a Class A misdemeanor for violation of the provisions of the chapter and provides for a civil penalty of up to \$5,000 for violation of the chapter brought by the prosecuting attorney of the county.

If additional court cases occur and fines are collected for the Class A misdemeanor, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class A misdemeanor is \$5,000. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

Explanation of Local Expenditures: A Class A misdemeanor is punishable by up to one year in jail. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

Explanation of Local Revenues: If additional court actions occur and a guilty verdict is entered, local

governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

A civil penalty would be deposited in the county general fund.

State Agencies Affected:

Local Agencies Affected: Trial courts, local law enforcement agencies prosecuting attorney.

Information Sources:

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